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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,336	10/28/2003	Patrick Case	101-27-018	8094
23935	7590	01/13/2005	EXAMINER	
KOPPEL, JACOBS, PATRICK & HEYBL 555 ST. CHARLES DRIVE SUITE 107 THOUSAND OAKS, CA 91360			ESTRADA, ANGEL R	
		ART UNIT	PAPER NUMBER	
			2831	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/696,336	CASE, PATRICK	
	<b>Examiner</b>	<b>Art Unit</b>	
	Angel R. Estrada	2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 26 October 2004.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-23 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-11 and 13-23 is/are rejected.

7) Claim(s) 12 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input checked="" type="checkbox"/> Other: <u>Sketch A</u> .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 and 13-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Previdi et al (EP 0514861, hereinafter Previdi).

Regarding claim 1, Previdi discloses an electrical fixture (see figure 1), comprising: an electrical enclosure (8); a knockout plug (40) coupled to the electrical enclosure (8) with an interference fit (see figures 2 and 4) and a seal (20) seated on a circumference of the knockout plug (see figures 3 and 4) between the knockout plug (40) and electrical enclosure (8, see figure 2); wherein the seal (20) provides an environmental barrier between an interior and exterior the electrical enclosure (column 2 lines 14-31).

Regarding claim 2, Previdi discloses the fixture (see figure 1) wherein the electrical enclosure (8) comprises: a pipe-fitting surface (5) located approximately coaxially with the knockout plug (40).

Note: This limitation “*to accept one of a conduit or pipe, when the knockout plug is removed*” has no been giving any patentable weight, because it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ2d 1647 (1987).

Regarding claim 3, Previdi discloses the fixture (see figure 1) wherein the pipe-fitting (5) comprises: a tapered-threaded surface (see figure 2).

Note: This limitation “*to accept one of a threaded portion of the conduit or pipe*” has no been giving any patentable weight, because it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ2d 1647 (1987).

Regarding claim 4, Previdi discloses the fixture (see figure 1), wherein the pipe-fitting surface (5) comprises: an approximately smooth surface (27).

Note: This limitation “*to accept a pressure type bushing for coupling the conduit or pipe to the pipe-fitting surface when the knockout plug is removed*” has no been giving any patentable weight, because it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ2d 1647 (1987).

Regarding claim 5, Previdi discloses the fixture (see figure 1) wherein the knockout plug (40) comprises: an interference surface (4) formed circumferentially around a portion of the knockout plug (40) to enable the interference fit with the electrical enclosure (see figure 2).

Regarding claim 6, Previdi discloses the fixture (see figure 1) wherein the electrical enclosure (8) comprises: a knockout (6) that operable to receive the knockout plug (40).

Regarding claim 7, Previdi discloses the fixture (see figure 1) wherein the knockout (6) further comprises: a fitting surface (5) complementary to the interference surface (4) to enable the interference fit when the fitting and interference surfaces are pressed together (see figure 2).

Regarding claim 8, Previdi discloses the fixture (see figure 1) wherein the knockout plug (40) comprises: a sealing surface (3, or see figures 2 and 4; or sketch A) complementary to the seal (20) to enable the seal to couple with the knockout plug (see figures 2 and 4).

Regarding claim 9, Previdi discloses the fixture (see figure 1), wherein the electrical enclosure (8) comprises: a knockout (6) having an enclosure-sealing surface (27) complementary to the sealing surface (see figure 2).

Regarding claim 10, Previdi discloses an electrical fixture (see figure 1), comprising: a knockout plug (40) having plug sealing (3 or see figures 2 and 4; or sketch A) and interference surface (defined by flange 41, hereinafter 41; or see sketch A); an electrical enclosure (8) having a fitting surface (see figure 2 or sketch A) complementary the interference surface (41) and forming an interference fit with the interference surface (see figure 2 or sketch A); an enclosure-sealing surface (27) positioned adjacent to the fitting surface (see figure 2 or see sketch A); a pipe-fitting surface (5) approximately coaxial with the enclosure sealing (27) and fitting surfaces (see figure 2 or see sketch A); and a seal (20) seated circumferentially between said plug sealing (3 or see sketch A) and enclosure-sealing surfaces (27); wherein the seal (20) provides an environmental barrier between interior and exterior portions the electrical enclosure (column 2 lines 14-31).

Regarding claim 11, Previdi discloses the fixture (see figure 1), wherein the pipe-fitting surface (5) comprises: a tapered-threaded surface (see figure 2).

\*Note: This limitation “*to accept one of a threaded portion of the conduit or pipe when the knockout plug is removed from the electrical enclosure*” has no been giving any patentable weight, because it has been held that a recitation with respect to the manner in which a claimed apparatus is

intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ2d 1647 (1987).

Regarding claim 13, Previdi discloses the fixture (see figure 1) wherein the interference surface (41 or see sketch A) comprising: an approximately smooth surface extending around at least a portion of a circumference of the knockout plug (40, see figures 2 and 4; or see sketch A).

Regarding claim 14, Previdi discloses a method of providing an environmental barrier for a tapered-threaded knockout (6) of an electrical enclosure (8), comprising: placing a seal (20) on a knockout plug (40); and pressing the knockout plug (40) into the tapered-threaded knockout (6) to establish an interference between the knockout plug (40) and tapered-threaded knockout (6); wherein the knockout plug (40) is detachably coupled to the tapered-threaded knockout (6), with the seal (20) providing an environmental barrier between interior and exterior portions of the electrical enclosure (see figures 1 and 2 or column 2 lines 14-31).

Regarding claim 15, Previdi discloses the method further comprising: removing the knockout plug (40) from the electrical enclosure (8).

Regarding claim 16, Previdi discloses an electrical system (see figure 1), comprising: an electrical enclosure (8) comprising; a fitting surface (see figure 2, or sketch A) that is operable to receive an interference surface (defined by flange 41, hereinafter 41; or see sketch A) of a knockout plug (40), when a knockout plug (40) is inserted (see figures 2 and 4); an enclosure-sealing surface (27) adjacent the fitting surface (see figure 2 or sketch A) that is operable to receive a seal (20), when the seal (20) is inserted on the enclosure-sealing surface (27); a pipe-fitting surface (5) disposed

approximately coaxial with the enclosure sealing (27) and fitting surfaces (see figure 2 or see sketch A); and a light fixture (not shown\*) coupled to the electrical enclosure (8); wherein the pipe-fitting surface (5) is complementary to and operable (by using connector 1) to accept a conduit (30), when a conduit (30) inserted past the fitting and enclosure-sealing surfaces (see figures 1 and 2).

Note \*: It is well known in the art that a light fixture is an electrical component and since the electrical enclosure is manufacture to house electrical components, a light fixture can be coupled to the enclosure. The electrical component can be mounted inside the enclosure or through the knockout opening 6.

Regarding claim 17, Previdi discloses the system (see figure 1), further comprising: a conduit (30) coupled to the pipe-fitting surface (5, by using connector 1, see figures 1 and 2).

Regarding claim 18, Previdi discloses the system (see figure 1), further comprising: a knockout plug (40) coupled to the fitting surface (see figure 2 or sketch A) with an interference fit (see figure 2).

Regarding claim 19, Previdi discloses the system (see figure 1), wherein the knockout plug (40) comprises: an interference surface (41) on an anterior the knockout plug (40) to provide an interference fit with the fitting surface (see figure 2).

Regarding claim 20, Previdi discloses the system (see figure 1), wherein the knockout plug (40) comprises: a plug-sealing surface (3 or see sketch A) extending around a circumference of the knockout plug (40) at an anterior portion of the knockout plug (see figure 2).

Regarding claim 21, Previdi discloses the system (see figure 1), further comprising: a seal (20) seated on the plug-sealing surface (3 or see sketch A) and

complementary to the enclosure-sealing surface (27) to establish an environmental barrier between the plug and enclosure sealing surfaces (see figure 2 and column 2 lines 14-31).

Regarding claim 22, Previdi discloses the system (see figure 1) wherein the knockout plug (40) comprises: a plug-sealing surface (3 or see sketch A) extending around a circumference of the knockout plug (40) at a posterior portion of the knockout plug (see figure 2).

Regarding claim 23, Previdi discloses the system (see figure 1), further comprising: a seal (20) seated on the plug-sealing surface (3 or see sketch A) and complementary to the enclosure-sealing surface (27) to establish an environmental barrier between the plug and enclosure sealing surfaces (see figure 2 and column 2 lines 14-31).

#### ***Allowable Subject Matter***

2. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 12, the prior art does not teach or fairly suggest in combination with the other claimed limitations the seal comprising: an o-ring seal seated on the plug sealing and enclosure-sealing surfaces to form an environmental seal between the knockout plug and electrical enclosure.

This limitation is found in claim 12, and is neither disclosed nor taught by the prior art of record, alone or in combination.

***Response to Arguments***

3. In response to the applicant's argument that Previdi (EP 0514861) lacks the use of a knockout plug, the Examiner disagrees because a "knockout plug" is a plug that can be removed using a knocking condition, such as a strike with a sharp blow. Previdi discloses a plug (40) that can be separated from the electrical enclosure by applying a blow, although the reference teaches that the plug is threaded into the knockout, there can be others alternative steps for removing the plug, such as applying a blow with a sharp instrument, for example a chisel.

In response to the argument that Previdi (EP 0514861) lacks the use of an interference fit, the Examiner disagrees and points out that the threaded seat (5) forms an interference fit with respect to the plug because there will be means (4) restricting the axial movement of the plug in the knockout, creating an interference or an obstruction. Furthermore, the interference surface (4) and the fitting surface (5) will form the interference fit because axial movement will be restricted when the knockout plug (40) is aligned and pressed into the knockout (6). Additionally, the Applicant argues that in claim 16 the "fitting surface" and "pipe fitting surface" are claimed as separate elements on the electrical enclosure, and that Previdi lacks a surface for receiving a conduit. However, the Examiner disagrees and points out that Previdi teaches a fitting

surface (defined by the walls of the enclosure, see sketch A) and a pipe-fitting surface (defined by threads 5) both surface are separate elements.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication should be directed to Angel R. Estrada at telephone number (571) 272-1973. The Examiner can normally be reached on Monday-Friday (8:30 -5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (571) 272-2800 Ext: 31. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AE

January 7, 2005

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